

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sherron Massalay,

Petitioner,

v.

**Warden, Ross
Correctional Institution,**

Respondent.

Case No. 2:17-cv-422

Judge Michael H. Watson

Magistrate Judge Kimberly A. Jolson

OPINION AND ORDER

Petitioner, a state prisoner, filed a petition seeking a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 3. On October 16, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that the petition be denied and that this action be dismissed. ECF No. 9. Petitioner filed a one paragraph Objection to the R&R asking the Court to “make a *de novo* determination of the entire Report and reject, in whole, the findings and/or recommendations made [therein].” ECF No. 10.

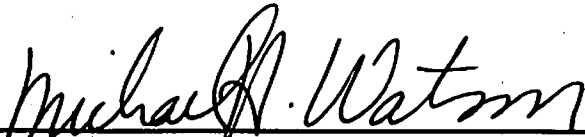
Title 28 U.S.C. § 636(b)(1) provides for *de novo* review of a magistrate judge’s report and recommendations to which objections have been made by any party. See also Fed. R. Civ. P. 72(b)(2). But only those objections that are specific are entitled to a *de novo* review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986). “The parties have the duty to pinpoint those portions of the magistrate’s report that the district court must specially consider.” *Id.* (internal quotation marks and citation omitted). An “objection” that does nothing more than disagree with a magistrate judge’s

determination, "without explaining the source of the error," is not considered a valid objection. *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Without specific objections, "[t]he functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks. This duplication of time and effort wastes judicial resources rather than saving them, and runs contrary to the purposes of the Magistrate's Act." *Id.*

Petitioner does not meaningfully object to the R&R. Therefore, and for the reasons well-detailed in the R&R, Petitioner's Objection is **OVERRULED**. ECF No. 10. The R&R is **ADOPTED** and **AFFIRMED**. ECF No. 9. This action is **DISMISSED**.

By failing to file specific objections to the R&R, Petitioner has waived the right to file an appeal. *Thomas v. Arn*, 474 U.S. 140, 153–55 (1985); *Howard*, 932 F.2d at 509. Accordingly, the Court **DECLINES** to issue a Certificate of Appealability. See 28 U.S.C. § 2253(c)(1); Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court further **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3), that an appeal would not be in good faith and that an application to proceed in forma pauperis on appeal would be **DENIED**.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT